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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-1789 (BRL)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,
Debtor.

IRVING H. PICARD,

Plaintiff,

-against—

DELTA NATIONAL BANK AND TRUST
COMPANY,

Defendant.

Adv. Pro. No. 11-02551 (BRL)

**DELTA NATIONAL BANK AND TRUST COMPANY'S DESIGNATION OF
ADDITIONAL ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL**

Delta National Bank and Trust Company ("Delta") hereby submits, pursuant to Rule 8009 of the Federal Rules of Bankruptcy Procedure and Rule 8009-1 of the Local Bankruptcy Rules for

the Southern District of New York, its designation of additional items to be included in the record on appeal with respect to the appeal filed by Irving H. Picard (the “Trustee”) of the Stipulated Final Order Granting Motion to Dismiss Complaint in the above captioned adversary proceeding (the “Adversary Proceeding”).

In addition to the items designated by the Trustee for inclusion in the record on appeal which were listed in Appendices A through C of the *Trustee’s Statement of Issues to be Presented and Designation of Items to be Included in the Record on Appeal* [Case No. 11-02551; Doc. No. 80] (the “Trustee’s Designations”),¹ Delta designates for inclusion in the record on appeal the following additional items:

- Items listed in Appendix 1, the pertinent docket entries filed in this Adversary Proceeding and the pertinent docket entries filed in the main docket. *See Investor Prot. Corp. v. Bernard L. Madoff Inv. Sec. LLC (In re BLMIS)*, Adv. Pro. No. 08-01789 (SMB) (Bankr. S.D.N.Y.).
- Items listed in Appendix 2, the pertinent docket entries filed in the United States District Court for the Southern District of New York, *Picard v. Barclays Bank Suisse S.A.*, No. 12-cv-01882 (JSR) (S.D.N.Y.) (the “District Court Designations”).² Copies of the District Court Designations listed on Appendix 2 are annexed hereto as Exhibits 1-5.
- Items listed in Appendix 3, the pertinent docket entries filed in the United States Bankruptcy Court for the Southern District of New York, *Fairfield Sentry Limited (In Liquidation), et al., v. Delta National Bank and Trust Co., et al.*, Adv. Pro. No. 10-03589 (BRL) (Bankr. S.D.N.Y.).

¹ For the avoidance of doubt, Delta designates for inclusion in the record on appeal all of the items listed in the Trustee’s Designations in Appendix A, including the docket entries listed therein from the main docket (Adv. Pro. No. 08-01789) that do not have parallel citations to this Adversary Proceeding.

² Delta’s Motion to Withdraw the Reference to the Bankruptcy Court filed on March 30, 2012 in the Adversary Proceeding [Doc. No. 8] incorporated by reference each of the arguments made by Barclays Bank (Suisse) S.A., Barclays Bank S.A., and Barclays Private Bank & Trust Limited in their Motion to Withdraw the Bankruptcy Reference of *Picard v. Barclays Bank (Suisse) S.A., et al.*, No. 12-01882 (S.D.N.Y.) [Case No. 12-01882; Doc. Nos. 1, 5, and 6].

Each designated item on Appendices 1 through 3 shall also include any and all exhibits and documents annexed to or referenced within such items.

Respectfully Submitted,

Dated: April 11, 2017

/s/ Patricia H. Heer
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-and -

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